UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

WASHINGTON, D.C.

ALBERTSONS LLC,)	
)	
Respondent,)	Case No. 28-CA-22546
)	
v.)	
)	
UNITED FOOD AND)	
COMMERCIAL WORKERS)	
INTERNATIONAL UNION,)	
LOCAL 540, AFL-CIO, CLC,)	
)	
Charging Party.	·)	

RESPONDENT ALBERTSONS LLC'S MOTION TO DISMISS EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE

NOW COMES Albertsons LLC, Respondent herein, and files its Motion to Dismiss Exceptions to the Decision of the Administrative Law Judge and in support thereof shows the following:

- 1. This is an Unfair Labor Practice case initiated by United Food and Commercial Workers Union, Local No. 540 ("Union") against Respondent wherein the Union, pursuant to a charge filed June 1, 2009, alleged that Respondent violated the Sections 8(a)(1) and (5) of the National Labor Relations Act (the "Act") by failing to provide the Union with requested information related to Respondent's non-bargaining employees.
- 2. Respondent's position in this case was that it did not violate the Act because, under long-standing Board precedent, information regarding an employer's employees outside the

bargaining unit is not presumptively relevant unless the union can establish relevancy based on the employer's statements made in the bargaining context. Because the Union failed to demonstrate the requisite relevancy, Respondent was under no obligation to produce the information requested.

3. On December 1, 2009, this matter was heard before Administrative Law Judge William Nelson Cates in El Paso, Texas. Following the submission of post-hearing briefs by the parties, Judge Cates issued his decision on February 2, 2010 finding that Respondent's refusal to provide the Union with the requested information relating to non-bargaining unit employees violated the Act.

4. On February 25, 2010, Respondent timely filed its Exceptions to the Decision of the Administrative Law Judge and its brief in support thereof. The Union, through General Counsel, filed its Answering Brief on March 16, 2010.

5. Against that procedural background, Respondent comes now and informs the Board that Respondent and the Union have mutually and amicably resolved all issues between them related to Case No. 28-CA-22546.

ACCORDINGLY, Respondent hereby moves to withdraw and dismiss its exceptions to Judge Cates' decision filed on February 25, 2010.

DATED this day of February, 2011.

Respectfully submitted,

Charles C. High, Jr.
Attorney for Respondent

CERTIFICATE OF SERVICE

I hereby certify that on this day of February, 2011, a true and correct copy of the foregoing Respondent Albertsons, LLC's Motion to Dismiss Exceptions to the Decision of the Administrative Law Judge was electronically filed using the E-Gov filing system, and that copies were sent via Federal Express and addressed as follows:

Eight (8) copies sent to:

Office of the Executive Secretary National Labor Relations Board 1099 14th Street, N.W. Washington, D.C. 20570

One (1) copy served on:

Liz Walker-McBride, Attorney National Labor Relations Board, Region 28 421 Gold Avenue, Suite 310 P.O. Box 567 Albuquerque, New Mexico 87103 G. William Baab, Esq. Baab & Dennison, LLP Stemmons Place 2777 North Stemmons Freeway, Suite 1100 Dallas, Texas 75207

Charles High I

of Attorneys for Respondent